

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:13-CV-285-FDW-DCK**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
APPROXIMATELY \$18,608.87 IN)
UNITED STATES FUNDS,)
)
Defendant.)

**ORDER AND
JUDGMENT OF FORFEITURE
(BY CONSENT)**

THIS MATTER is before the Court on the Government's Motion for a Consent Judgment of Forfeiture against a portion of the defendant property accordance with a settlement. (Doc. No. 9).

THE COURT FINDS THAT:

1. A verified complaint for forfeiture in rem of the defendant property was filed on May 9, 2013. The next day, the Clerk issued a warrant for arrest in rem.
2. Process was fully issued in this action and returned according to law. Pursuant to the warrant for arrest in rem, as shown by the process receipt and return filed herein on July 23, 2013, the defendant property was deposited into a government suspense account.
3. Notice was served on Tae Young Park, Key Park, and Neo Silver Express, Inc., (collectively, "claimants"), and published as provided by law. Claimants, through counsel, filed an answer on June 13, 2013. The declaration of publication was filed herein on June 18, 2013. On September 26, 2013, a verified claim was filed herein by claimants, through counsel.
4. Based on the affidavit of Special Agent Brent A. Weidner, United States Secret Service, filed with the complaint, the government has shown probable cause to believe that the defendant property is proceeds of and/or was used or intended to be used to facilitate structuring of currency deposits in violation of 31 U.S.C. § 5324(a) and that it is therefore subject to forfeiture under 31 U.S.C. § 5317(c)(2).
5. The parties have agreed to settlement of all forfeiture matters in accordance with the affidavit, waiver and consent forms signed by claimants. No other person has

filed a claim herein within the time permitted by law.

6. As provided in the consent forms, the government and claimants have agreed to the forfeiture of \$9,304.43, representing one-half of the value of the defendant property, and the return of \$9,304.44, which is the remaining amount of seized funds, in full settlement of this matter.

BASED ON THE FOREGOING FINDINGS, THE COURT CONCLUDES that the government is entitled to a judgment of forfeiture by consent against a portion of the defendant property, in the amount of \$9,304.43.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The Government's Motion for a Judgment of Forfeiture, (Doc. No. 9), as to \$9,304.43 is hereby GRANTED.

2. Any and all right, title and interest of all persons in the world in or to the following property is hereby forfeited to the United States; and no other right, title, or interest shall exist therein: \$9,304.43 in United States funds.

3. The United States is hereby directed to dispose of the forfeited defendant property as provided by law and to release the remaining \$9,304.44 to claimants, in accordance with applicable law and the settlement of the parties.

4. Each party shall bear its own costs, including attorney fees.

IT IS SO ORDERED.

Signed: January 27, 2014



Frank D. Whitney
Chief United States District Judge

